IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

WP(C).No. 22656 of 2007(V)

PETITIONERS:

1. **K.R.ANILKUMAR,GOVT.CONTRACTOR,**
   KUNDANI HOUSE,MATTATHUR P.O,
   KODAKARA - VIA,THRISSUR DISTRICT.

2. **M.SAJU,GOVT.CONTRACTOR,**
   CHALAKUDY P.O,THRISSUR DISTRICT.

3. **K.T.GEORGE,GOVT.CONTRACTOR,**
   KOLENCHERY HOUSE,MANJAPRA P.O,
   ANGAMALY - VIA,ERNAKULAM DISTRICT.

4. **V.L.VARGHESE,GOVT.CONTRACTOR,**
   VADASSERY HOUSE,KONNAKUZHY,
   CHALAKUDY - VIA,THRISSUR DISTRICT.

5. **P.O.POULOSE,GOVT.CONTRACTOR,**
   PALLIPPADAN HOUSE,MANJAPRA,
   ANGAMALY VIA,ERNAKULAM DISTRICT.

6. **K.D.JOSE,GOVT.CONTRACTOR,KANNATH HOUSE,**
   KOOVAKKATTUKUNNU P.O,CHALAKUDY - VIA,
   THRISSUR DISTRICT.

7. **M.V.PAULOSE,GOVT.CONTRACTOR,**
   MAVELI HOUSE,KARUKUTTY P.O,
   ANGAMALY-VIA,ERNAKULAM DISTRICT.

8. **V.L.VARHGESE,GOVT.CONTRACTOR,**
   VENATTUPARAMBIL HOUSE,
   PARIYARAM P.O,CHALAKUDY VIA,THRISSUR DISTRICT.

9. **T.K.JOY,GOVT.CONTRACTOR,**
   THAKKOLKKARAN HOUSE,KUTTIKKAD P.O,
   CHALAKUDY VIA,THRISSUR DISTRICT.

10. K.P.JOSEPH,GOVT.CONTRACTOR,
KANNAMPILLY HOUSE,NALUKETTU P.O,KONOOR,
KORATTY VIA,THRISSUR DISTRICT.

11. M.V.KURIAKKU,GOVT. CONTRACTOR,
MORELY HOUSE,ANTHRAKKAMPADAM,
MOTHIRAKKANNY P.O,
CHALADUKY VIA,THRISSUR DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENTS:
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1. THE EXECUTIVE ENGINEER,
IDAMALAYAR IRRIGATION PROJECT NO.2,
CHALAKUDY,THRISSUR DISTRICT.

2. THE DIRECTOR OF VIGILANCE AND ANTI
CORUPTION BUREAU,THIRUVANANTHAPURAM.

3. STATE OF KERALA REPRESENTED BY ITS
SECRETARY TO GOVERNMENT,
DEPARTMENT OF FINANCE,
GOVT,SECRETARIAT,THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.22656/2007 V

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OFG.O.(RT) NO.6851/2005/FIN. DTD. 5/10/05 ISSUED BY THE 3RD RESPONDENT.**

EXT.P1(A): **COPY OF G.O.(RT) NO.3443/2007 FIN DTD. 21/04/07 ISSUED BY THE GOVERNMENT.**

EXT.P2: **COPY OF THE JUDGMENT IN WP(C) NO.11936/04 DTD. 11/11/05 OF THIS HON'BLE COURT.**

EXT.P3: **COPY OF THE REPRESENTATION DTD. 11/09/06 SUBMITTED BY THE PETITIONERS 1 TO 5 BEFORE THE 1ST RESPONDENT.**

EXT.P4: **COPY OF REPRESENTATION DTD. 18/12/06 SUBMITTED BY THE PETITIONERS 6 TO 9 BEFORE THE 1ST RESPONDENT.**

EXT.P4(A): **COPY OF THE JUDGMENT OF THIS HON'BLE COURT DTD. 4/06/07 IN W.A.NO.701/07.**

EXT.P5: **COPY OF THE REPRESENTATION DTD. 25/06/07 SUBMITTED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT.**

/TRUE COPY/

P.S.TO JUDGE

KSS

ANTONY DOMINIC, J.

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W.P.(C) No. 22656 OF 2007 V

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Dated this the 12th December, 2007

J U D G M E N T

The prayer sought for in this writ petition is to direct the 1st respondent to disburse the balance payment sanctioned in Ext. P1 and P1(a) letter of credit due to the petitioners on accepting necessary bank guarantee from them. It is seen that the petitioners who had executed certain works are not paid their amounts since a vigilance enquiry is going on. In W.A. No. 701/07, in relation to three other contractors who are also similarly situated, a Division Bench of this Court has passed judgment dated 4-6-2007 directing release of the amounts due to the contractors therein on their furnishing bank guarantee. In view of the similarity of the facts involved in the Division Bench judgment referred to above and the case of the petitioners herein, I dispose of this writ petition with the following direction:

The respondents shall release the balance amount payable to

the petitioners herein within a period of one month from today on the petitioners furnishing bank guarantee for the full amount. The bank guarantee will be kept alive for a period of two years and if necessary, it will be open to the respondents to approach this Court for getting the validity of the orders extended.

ANTONY DOMINIC
JUDGE

jan/-